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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 VANESSA NELSON,

13 Plaintiff,

14 vs.

15 WOOD RESIDENTIAL, LLC; WOOD
16 PARTNERS, LLC; WOOD REAL ESTATE
17 INVESTORS, LLC; and DOES 1-50,
inclusive,

18 Defendants.

Case No. 2:24-cv-00419-ART-BNW

ORDER TO:

- (1) VOLUNTARILY DISMISS
WITHOUT PREJUDICE ALL
CLASS OR COLLECTIVE
CLAIMS, and**
**(2) VOLUNTARILY DISMISS WITH
PREJUDICE PLAINTIFF'S
INDIVIDUAL FLSA CLAIM**

19 IT IS HEREBY STIPULATED by and between Plaintiff Vanessa Nelson ("Plaintiff"), by
20 and through her counsel, Rafii & Associates, P.C., and Defendants Wood Residential, LLC, Wood
21 Partners, LLC and Wood Real Estate Investors, LLC ("Defendants"), by and through their counsel,
22 Jackson Lewis, P.C., that Plaintiff is voluntarily dismissing without prejudice all class or collective
23 claims in the First Amended Complaint (ECF No. 1-5), and voluntarily dismissing with prejudice
24 her individual claim under the Fair Labor Standards Act ("FLSA").

25 Plaintiff's non-FLSA individual claims remain pending in this action.

26 In support of this stipulation, the Parties state as follows:

27 1. Plaintiff brought claims against Defendants on behalf of herself and proposed

28

1 putative classes. *See* ECF No. 1-5 at ¶¶ 1, 75, 77.

2 2. No putative classes have been certified in this case.

3 3. No putative classes have been proposed for certification for purposes of settlement.

4 4. Federal Rule of Civil Procedure 23(e) provides that only in cases where there is a
5 certified class, or a class proposed to be certified for purposes of settlement must a voluntary
6 dismissal of such claims obtain Court approval.

7 5. In this case, there is no certified class nor a class proposed to be certified for purposes
8 of settlement.

9 6. Thus, the Parties stipulate to permit Plaintiff to voluntarily dismiss *without prejudice*
10 all class or collective claims in the First Amended Complaint (ECF No. 1-5) pursuant to Federal
11 Rule of Civil Procedure 41(a).

12 7. Plaintiff asserted an individual claim under the FLSA in her First Amended
13 Complaint, specifically an individual claim under the FLSA for unpaid overtime compensation. *See*
14 ECF No. 1-5 at ¶¶ 53-54, 81-85.

15 8. After exchanging documents (including timesheets, payroll records, bonus plans,
16 records of bonuses earned, and related records needed to calculate bonuses and overtime),
17 evaluating data, and conducting calculations regarding evidence related to Defendant's payment of
18 overtime compensation to Plaintiff, the Parties have determined that Plaintiff was paid all overtime
19 compensation due to her (and, in fact, was overpaid overtime compensation by approximately
20 \$8.00). Thus, Plaintiff was overpaid overtime, is not owed any wages, and does not have a viable
21 individual FLSA Claim against Defendants. As Plaintiff does not have a viable individual FLSA
22 Claim, there are legal issues on whether she is a proper class and collective representative for the
23 overtime wage claims asserted in the First Amended Complaint.

24 9. The Parties have agreed to stipulate to permit Plaintiff to voluntarily dismiss with
25 prejudice her individual FLSA Claim, in her Fourth Cause of Action in the First Amended
26 Complaint, pursuant to Federal Rule of Civil Procedure 41(a).

27 10. Accordingly, in light of the evidence exchanged, Plaintiff has determined to
28 voluntarily dismiss with prejudice her individual FLSA Claim and to voluntarily dismiss without

1 prejudice the class or collective claims as she is not a proper class representative. As the stipulation
2 to the class and collective is *without prejudice*, this stipulation will have no effect on the rights of
3 any potential claims of any putative class or collective member.

4 11. Once the court enters this stipulation and enters an order dismissing *without*
5 *prejudice* all class or collective claims and *with prejudice* Plaintiff's individual FLSA Claim, only
6 Plaintiff's non-FLSA individual claims against Defendants will remain pending in this case.

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ORDER

15 IT IS SO ORDERED:

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17 _____
18 United States District Court Judge

19 Dated: 5/29/2025 _____
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